

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated July 12, 2005, indicated that claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form; claims 1-5, 12-17, 23-29 and 31-35 are rejected under 35 U.S.C. § 103(a) over Nabavi (GB 2325548A) in view of Schneider *et al.* (U.S. Patent No. 5,929,897); claim 6 is rejected under 35 U.S.C. § 103(a) over Nabavi in view of Schneider *et al.* and further in view of Fujiwara *et al.* (JP 09330283A); claims 7, 11 and 36-37 are rejected under 35 U.S.C. § 103(a) over Nabavi in view of Schneider *et al.* and further in view of Newlin (U.S. Patent No. 6,011,579); claims 9-10 and 30 are rejected under 35 U.S.C. § 103(a) over Nabavi in view of Schneider *et al.* and further in view of Richard, III *et al.* (U.S. Patent No. 5,790,174); and claims 18-22 are rejected under 35 U.S.C. § 103(a) over Nabavi in view of Schneider *et al.* and further in view of Mun *et al.* (U.S. Patent No. 6,094,213).

Applicant appreciates the indication of allowance for claim 8 and has amended claim 8 to include all of the limitations of the underlying claims. Accordingly, Applicant submits that the objection has been overcome and claim 8 is in condition for allowance.

Applicant respectfully traverses each of the Section 103(a) rejections because the Office Action fails to present any evidence of motivation for combining the cited references as asserted. Each of the rejections relies on the Examiner's proposed modification of the '548 reference's alarm system to include the videoconferencing taught by the '897 reference. The Office Action fails to cite any evidence to support this proposed modification of the '548 reference. Rather, the Office Action merely asserts that the skilled artisan would introduce a first communications service ('897 POTS) communicatively coupled and adapted to deliver a request for image data in order to establish video communication with the alarm controller 1 and/or computer 10 of the '548 reference (the alleged first computer arrangement). The Office Action fails to identify any evidence as to why one skilled in the art would introduce any video conferencing into the '548 teachings when such teachings are absent from the '548

reference. As discussed previously, Applicant submits that the skilled artisan would not be motivated to add videoconferencing to the '548 security monitoring system, employing detection devices, *e.g.*, to detect unauthorized access and sound alarms in response thereto. Such rationale arrived at in hindsight of the claimed invention and without any evidentiary support from the cited references, is contrary to relevant case law. Without a presentation of evidence of motivation to modify the cited references as asserted, the Section 103(a) rejections are improper and should not be maintained. Applicant accordingly requests that each of the rejections be withdrawn.

Moreover, the proposed modification of the '548 reference is improper because the combination of the cited references would frustrate the purpose and operation of the '548 reference. The MPEP states that when a proposed modification would render the teachings being modified unsatisfactory for their intended purpose, then there is no suggestion or motivation to make the proposed modification under 35 U.S.C. § 103(a). *See* MPEP § 2143.01. The '548 reference is directed to a security alarm system controller that receives data from a detector that indicates a breach of security, outputs an alarm signal, and provides a network for a user to remotely access the status of the security system. The Office Action proposes modifying the '548 central monitoring system 8 to include a POTS line in order to receive requests for videoconferencing in a cost-effective manner, as taught by the '897 reference. Such a proposal is illogical as it would be very costly to provide POTS-line video equipment (as evidenced by 8x8 historical sales of ViaTV Desktop Video-conference phones) at around \$1000 per pair of units. It would be less costly for the unmodified system monitoring personnel at the central monitoring system 8 to send a videotape or DVD of any requested monitored footage. Further, the '548 reference teaches away from such a modification as the '548 system already teaches posting such monitored footage via the internet, which is even less costly. To suggest introducing POTS-based videoconferencing to the security alarm system of the '548 teachings is untenable. The proposed combination would interrupt security monitoring and teaches away from the purpose of the security system providing access to the system via the internet; therefore, the combination is improper.

Further, the Office Action fails to present a reference that corresponds to the claimed invention. For example, the central monitoring station 8 does not correspond to

the claimed programmable surveillance system because it does not include a camera configured and arranged to capture images. As shown in FIG. 1 of the '548 reference, the camera 6 and alarm controller 1 are separate from the central monitoring station 8, connected via the telephone line/ISDN connection 7. Thus, the Office Action's asserted programmable surveillance system does not include the asserted first computer arrangement and camera. In addition, no portion of the '548 reference has been identified as receiving a request for image data and in response automatically accessing and delivering the image data to a second communications system. Without a presentation of correspondence to each of the claimed limitations, the Section 103(a) rejections are improper. Applicant accordingly requests that each of the rejections be withdrawn.

In view of the above discussion, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

CRAWFORD MAUNU PLLC
1270 Northland Drive, Suite 390
St. Paul, MN 55120
651/686-6633

Dated: October 12, 2005

By: Robert J. Crawford
Robert J. Crawford
Reg. No. 32,122
Erin M. Nichols
Reg. No. 57,125